

REMARKS

In this Preliminary Amendment and Response to Restriction Requirement, Applicant has amended claims 1, 3-6, 9, 12, 15, 16, 18, 20, 22, 26-29, 32, 34, 35, 43 and 45, canceled claims 7, 30 and 50-68, and added claims 77-82. Applicant respectfully requests that these claim amendments be entered prior to substantive examination of this application. Claims 1-6, 8-29, 31-49 and 69-80 will be pending in this application upon entry of these amendments.

Restriction Requirement

Claims 1-76 have been restricted under 35 U.S.C. § 121 as follows:

- I. Claims 1-49 and 69-76, drawn to a method, device, and system for determining activity levels, and
- II. Claims 50-68, drawn to a medical system with a programming device.

Applicant hereby elects Group I including claims 1-49 and 69-76 without traverse. Applicant has cancelled the non-elected claims 50-68 of Group II. New claims 77-82 are properly included in Group I. New independent claims 77-79 are substantially similar to claims 5, 28 and 13 respectively, as previously presented, which are all within Group I.

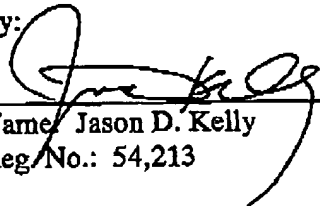
Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

7/5/06

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By:



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